

REMARKS

The present amendment is submitted in response to the Office Action dated July 7, 2003, which set a three-month period for response, making this amendment due by October 7, 2003.

Claims 1-22 are pending in this application.

In the Office Action, the specification was objected to for various informalities. Claims 1-22 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1, 2, 3, 7, 8, 10, 11, 13, and 22 were rejected under 35 U.S.C. 102(b) as being clearly anticipated by German Patent No. 3907980 to Baumgarten et al. Claims 1, 4, 5, 7, 8, and 21 stand rejected under 35 U.S.C. 102(b) as being clearly anticipated by British Patent No. 2,223,424 to Keen et al.

The Applicant notes with appreciation the indicated allowability of claims 6, 9, 12, and 14-20 if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, and to include the limitations of the base claim and any intervening claims.

In this amendment, the specification has been amended to delete reference to the claims, to add appropriate headings, and to rewrite the abstract into a single paragraph.

The claims were amended to address the rejections under 35 U.S.C. 112, second paragraph. In addition, the claims were amended to change the "characterized in that" phrase to "wherein".

Regarding the substantive rejection of the claims, the claims have been amended to more clearly define the present invention over the cited references. Specifically, claim 1 has been amended to add the features of claim 3 and a portion of claim 4. (Claims 2, 3, and 4 have been canceled). Amended claim 1 now defines additionally that "the housing (16) is retained in an opening (34) of a retaining element (14), and the nozzle body (12) has a stub (30) surrounding the connecting conduit (22), with which stub, via a plug connection, it engages the inside of an opening (36) of the housing (16), and the outer part (44) of the nozzle body (12) has a nozzle opening (26) and covers the opening (34) of the retaining element (14), wherein a connection piece (100) to an onward-leading water line (122) adjoins the water conduit (20) on its free end (38)".

While the cited references may show a closure cap, neither the German patent to Baumgarten nor the British patent to Keen discloses or suggests a connection piece to an onward-leading water line. The British patent does not disclose the particular attachment features of claim 3, so that, indeed, it is questionable whether this reference makes obvious a connection cap for such a construction. In no case, does either reference make obvious the use of a connection piece to an onward-leading water line.

Since the cited art fails to show a connection piece, also the features of original claim 5 cannot be viewed as obvious under Section 103, as claim 5 defines that the connection piece is "offset-bent".

Claim 8 has been amended to define that the plurality of nozzle openings are disposed vertically one above the other "relative to the windshield (128)".

Reference is made to Fig. 5, in which the impingement point of the beam on the vehicle windshield is designated with reference numerals 126.

Attached hereto is new sheet 2/4 of the drawings, in which the vehicle windshield is designated with reference numeral 128. The technical details are provided in both Figures 5 and 6. Thus, the Applicant believes the rejection of claim 8 is obviated by the above amendment.

The Examiner refers to part 22 of the Baumgarten patent to support the rejection of claim 11. In this regard, this element does not operate as a cap, rather as nozzle lips of an elastic nozzle element 20, which is inserted in a nozzle body 13. According to the common meaning of a "cap" in both German and English, a cap is an object that is placed on another object and encloses it, not, however, an object which is inserted in another object.

Also in this amendment, claim 7 has been amended to add the features of claim 9, which has been canceled. Claims 21 and 22 also have been canceled in this amendment.

The Applicant respectfully submits that claims 1, 5-8, and 10-20 define a patentably distinct set of features neither shown nor suggested by the cited references. The Applicant further requests withdrawal of the rejections under 35 U.S.C. 102 and reconsideration of the claims as herein amended.

In light of the foregoing arguments in support of patentability, the Applicant respectfully submits that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

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